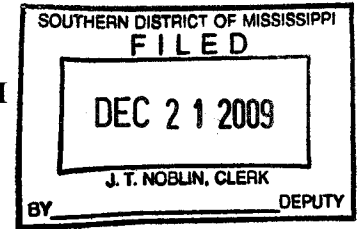


THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF MISSISSIPPI *et al.*,

Defendants,

and

WALTHALL COUNTY SCHOOL
DISTRICT *et al.*,

Defendants-Intervenors.

Civil Action No. 3:70-cv-04706-TSL

UNITED STATES' MOTION FOR FURTHER RELIEF

The United States hereby moves for further relief leave in the above-captioned matter for the purpose of enforcing the operative desegregation order that governs the Walthall County School District ("District"). As grounds for its motion to intervene the United States asserts the following facts, which are more fully set forth in the accompanying memorandum of law:

1. On August 11, 1970, the United States District Court issued a desegregation order enjoining the Walthall County School District ("District") from

discriminating against any student on the basis of race or color in the operation of the Walthall County School District and failing or refusing to immediately terminate the operation of a dual system of schools based on race and to operate, now and hereafter, a single, non-racial unitary system of public schools.

United States v. State of Mississippi, et al., No. 70-4706 (S.D. Miss. Aug. 11, 1970 ("1970 Order")) at 2.

2. The 1970 Order further mandated that the District “immediately announce and implement the student assignment plan prepared and filed by the Walthall County School District (“Desegregation Plan”), which is incorporated herein by reference.” Id.

3. The Desegregation Plan established three discrete geographic attendance zones, and directed unambiguously that students attend the school in their residential zone.

4. The Court has never held (and the District has never asserted) that the Walthall County School District satisfied the legal requirements for unitary status, such that the permanent injunction embodied in the 1970 Order should be dissolved.

5. On November 6, 2007, the United States submitted an information request to the District in accordance with its extant responsibility to determine whether the District was operating its schools in compliance with the 1970 Order and federal law.

6. The District’s response revealed two violations of the 1970 Order.

7. First, the District annually permits over three hundred transfer students – the vast majority of whom are white – to attend a predominantly white District school outside their residential zone.

8. Second, classroom data furnished by the District reflects that District administrators grouped, or “clustered” disproportionate numbers of white students into designated classrooms at three other schools, resulting in significant numbers of segregated all-black classrooms at each grade level.

9. Both practices violate the 1970 Order and federal law, and preclude the District from achieving unitary status.

Wherefore, the United States respectfully requests that the Court find the District in violation of the 1970 Order, and award the United States the requested relief set forth in the proposed order attached to this motion.

Respectfully submitted,
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Attorneys for the United States of America

Dated: December 21, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2009, I served copies of the United States' Motion for Further Relief, Memorandum of Law, Proposed Order, and Entry of Appearance to counsel of record by overnight mail, postage prepaid, addressed to:

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